

JAN-12-2004 12:39

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DATE: January 12, 2004

RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner Eileen B. O'Hara	From: Mercedes K. Meyer, Ph.D., Esq.
Voice Tel. No.:	Voice Tel. No.: (703) 838-6561
Fax Tel. No.: (703) 872-9307	Sent By: Elizabeth K. Stenson
Your Ref.: 09/826,893	Our Ref.: 003300-765
	Total Pages (Incl. Cover Page): 6

RE: U.S. Patent Application No. 09/826,893

**MESSAGE:**

Dear Examiner O'Hara,

Attached please find an Official Communication, a copy of the stamped postcard receipt, a copy of a Submission of Terminal Disclaimer; and a copy of a Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent in connection with the above-identified application.

Should you have any questions, please do not hesitate to contact me.

With continuing best personal regards.

Very truly yours,

  
Mercedes K. Meyer, Ph.D., Esq.

MXM:eks

**NOTE:** The information contained in this facsimile message is attorney-client privileged and contains confidential information intended only for the use of the person(s) named above and others expressly authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is prohibited and you are asked to notify us immediately by telephone and to return this message to us by mail without copying it.

Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

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Patent  
Attorney's Docket No. 003300-765

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	) Mail Stop AF
Kjell OLMARKER <i>et al.</i>	)
Application No.: 09/826,893	) Group Art Unit: 1646
Filed: April 6, 2001	) Examiner: Eileen B. O'Hara
For: USE OF CERTAIN DRUGS FOR	) Confirmation No.: 3406
TREATING NERVE ROOT INJURY	) Via Facsimile: (703) 872-9307

OFFICIAL COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to today's telephone conference between myself and Examiner Eileen O'Hara, attached please find a copy of a Submission of Terminal Disclaimer, Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent (U.S. Patent No. 6,649,589), and the stamped postcard receipt indicating receipt by the U.S. Patent and Trademark Office on December 8, 2003. Examiner O'Hara indicated that a Terminal Disclaimer had been received for U.S. Patent No. 6,635,250, but not for U.S. Patent No. 6,649,589. Thus, we are resubmitting the Terminal Disclaimer for U.S. Patent No. 6,649,589.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

(10/03)

Official Communication  
Application No. 09/826,893  
Attorney's Docket No. 003300-765  
Page 2

In the event any further fees are due to maintain pendency of this application, the Examiner is authorized to charge such fees to Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 12, 2004

By: 

Mercedes K. Meyer  
Registration No. 44,939

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(10/03)

Inventor: Kjell OLMARKER et al. Appl. No. 09/826,893 Filing Date: April 6, 2001  
 Docket No.: 003300-765 Work. Atty. BSD/MXM:eks Date: December 8, 2003



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon: S

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|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Amendment or Response                                                            | <input checked="" type="checkbox"/> Terminal Disclaimer (2)                                                 | <input checked="" type="checkbox"/> Check for \$ <u>165.00</u> is enclosed                      |
| <input type="checkbox"/> Preliminary Amendment                                                                       | <input type="checkbox"/> Certificate Under 37 C.F.R. § 3.73(b)                                              | <input type="checkbox"/> Check for \$ <u>    </u> is enclosed                                   |
| <input checked="" type="checkbox"/> Reply Transmittal Letter                                                         | <input type="checkbox"/> Transmittal Letter for Missing Parts of Application                                | <input type="checkbox"/> Charge \$ <u>    </u> to Deposit Account                               |
| <input checked="" type="checkbox"/> Petition for <u>1</u> Month Extension of Time                                    | <input type="checkbox"/> Executed Declaration/Power of Attorney                                             | <input type="checkbox"/> Issue Fee Transmittal                                                  |
| <input type="checkbox"/> Submission of Formal Drawings w/ <u>    </u> sheet(s) of drawings (Fig(s). 1- <u>    </u> ) | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)                      | <input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account       |
| <input type="checkbox"/> Request for Approval of Drawing Changes w/ <u>    </u> sheet(s) of red ink drawings         | <input type="checkbox"/> Submission of Certified Copy of Priority Document w/ <u>    </u> certified copy(s) | <input type="checkbox"/> Request for Refund                                                     |
| <input type="checkbox"/> Notice of Appeal                                                                            | <input type="checkbox"/> Information Disclosure Statement w/ <u>    </u> document(s)                        | <input type="checkbox"/> Status Inquiry                                                         |
| <input type="checkbox"/> Brief for Appellant                                                                         | <input type="checkbox"/> Information Disclosure Citation (PTO-1449)                                         | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt |
| <input type="checkbox"/> Request for Oral Hearing                                                                    | <input type="checkbox"/> Information Disclosure Statement Transmittal Letter                                | <input checked="" type="checkbox"/> Submission of Terminal Disclaimer (2)                       |
| <input type="checkbox"/> Reply Brief                                                                                 | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/copy of Notice         | <input type="checkbox"/> <u>    </u>                                                            |
| <input type="checkbox"/> Response to Restriction Requirement or Election of Species                                  | <input type="checkbox"/> Request for Continued Examination                                                  | <input type="checkbox"/> <u>    </u>                                                            |



(13)  
(2)

(10/03)

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